

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BENNETT CADY and GLORIA CADY	§	
Plaintiffs	§	CIVIL ACTION NO.
	§	
VS.	§	2:11-cv-268
	§	
STAR TRANSPORTATION, LLC	§	
and JONATHAN CARNAHAN	§	
Defendants	§	

PLAINTIFFS' ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Bennett Cady and Gloria Cady, Plaintiffs, and files this their Original Complaint against Star Transportation, LLC and Jonathan Carnahan, Defendants, and would show unto the Court as follows:

PARTIES

1. Plaintiff Bennett Cady is an individual who resides in Shreveport, Louisiana and is a resident and citizen of the State of Louisiana at all material times.
2. Plaintiff Gloria Cady is an individual who resides in Shreveport, Louisiana and is a resident and citizen of the State of Louisiana at all material times.
3. Defendant Star Transportation, LLC ("STAR") is an Arkansas corporation who has a registered agent for service of process in the State of Texas. Defendant can be served with process through its registered agent CT Corporation System at 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.

4. Defendant Jonathan Carnahan (“CARNAHAN”) is a Texas resident and may be served with process in Tyler, Texas 75706.

JURISDICTION AND VENUE

5. Jurisdiction is based on diversity of citizenship of the parties, and an amount in controversy in excess of \$75,000.00, exclusive of interest and costs, pursuant to 28 U.S.C. §1332(a). Venue is proper in this district pursuant to 28 U.S.C. § 1391 in that a substantial part of the events or omissions giving rise to the claim occurred in this District. The accident and injuries made the basis of this suit occurred in Marshall, Harrison County, Texas.

FACTS

6. On October 25, 2009, Plaintiff BENNETT CADY was driving his vehicle and was traveling east bound on Interstate 20 in the outside/right lane of traffic while in Marshall, Harrison County, Texas.
7. Plaintiff BENNETT CADY was being followed by another vehicle driven by Lechaybreon Robinson (“ROBINSON”) who was also traveling east bound in the outside/right lane of traffic on Interstate 20.
8. Defendant CARNAHAN was driving a tractor/trailer rig, owned by Defendant STAR, traveling east bound in the inside/left lane of traffic on Interstate 20. Defendant CARNAHAN changed lanes from the inside to outside lane, but during this maneuver, Defendant CARNAHAN struck the back left rear of the vehicle driven by ROBINSON with his tractor’s front right.
9. Defendant CARNAHAN, after striking the vehicle of ROBINSON, then swerved to the left and struck the rear of Plaintiff BENNETT CADY’S vehicle causing the Plaintiff’s

vehicle to lose control.

10. At the time of the accident, Plaintiff GLORIA CADY, was the wife of BENNETT CADY.

CAUSE OF ACTION

11. Defendant CARNAHAN committed the following acts and/or omissions, each of which either singularly or in combination, constituted negligence and were the proximate cause of the accident and resulting injuries:

- a. Failing to maintain a proper lookout;
- b. Failure to control speed;
- c. Failing to maintain proper control of his vehicle;
- d. Failing to maintain an assured clear distance; and
- e. Failing to properly and timely apply his brakes.

12. As a direct and proximate cause of the foregoing acts and omissions of CARNAHAN, Plaintiff BENNETT CADY suffered personal injuries to his body as a result of such accident.

13. STAR was the employer of CARNAHAN and was the owner of the truck and trailer being driven by CARNAHAN. CARNAHAN was in the course and scope of his employment at the time of the incident made the basis of this suit. STAR is vicariously responsible for the negligent acts and omission of its employee based on respondeat superior.

DAMAGES

14. As a proximate cause of the negligence of Defendants, Plaintiff BENNETT CADY suffered the following elements of damage:

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- a. Physical pain and suffering in the past, and in reasonable probability pain and suffering in the future;
- b. Mental anguish in the past, and in reasonable probability mental anguish in the future;
- c. Physical impairment in the past, and in reasonable probability physical impairment in the future;
- d. Medical expenses in the past;
- e. In reasonable medical probability, medical expenses in the future;
- f. Loss of earnings in the past;
- g. Loss of earning capacity in the future;
- h. Disfigurement in the past; and
- i. Disfigurement in the future.

15. As a proximate cause of the negligence of Defendants, Plaintiff GLORIA CADY suffered the following elements of damage:

- a. loss of household services including the performance of household and domestic duties by her husband; and
- b. loss of consortium including the mutual right to that affection, solace, comfort, companionship, society, assistance, sexual relations, emotional support, love and felicity to a successful marriage.

JURY DEMAND

16. Plaintiffs demand a trial by jury pursuant to Fed. R. Civ. P. 38(b).

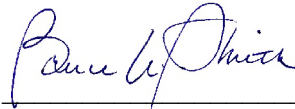
Plaintiffs' Original Complaint

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs prays that Defendants be cited to appear and answer herein, and that on final hearing, Plaintiffs have the following:

1. Judgment against Defendants, jointly and severally, for damages in an amount in excess of the minimum jurisdictional limits of this court;
2. Prejudgment and post-judgment interest at the maximum legal rate;
3. Costs of court; and
4. Such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,



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ATTORNEYS FOR PLAINTIFFS

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